



SDMS DocID 559316

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March 5, 1990

VIA TELECOPIER

Mr. Steven J. Calder  
U.S. Environmental Protection Agency  
Waste Management Division  
JFK Federal Building, HSN-CAN5  
Boston, MA 02203

Superfund Records Center  
SITE: Coakley  
BREAK: 11.9  
OTHER: 559316

**RE: City of Portsmouth: Notice of Potential Liability  
at the Coakley Landfill  
Our File: 5957 000**

Dear Mr. Calder:

This office represents the City of Portsmouth with respect to the above-entitled matter. We are in receipt of your letter dated February 2, 1990 which serves to notify the City of the potential liability which it may have incurred with respect to the site. Your letter requests the City to notify EPA in writing of its willingness to perform or finance the activities described in your letter. Please be advised that the City is willing to negotiate a resolution of its potential liabilities in connection with the site, and is willing to be involved in performing response activities. However, since EPA has not yet released the feasibility study regarding the site, and since therefore the City lacks information concerning the details of the activities to which you refer, firm commitments are impossible.

We request that further contact with the City be directed to the undersigned at this office. As you no doubt know, the City has been involved in discussions with Federal, State and local authorities concerning this matter, and it intends

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to continue to cooperate with Federal and State authorities in their efforts to resolve this matter. We are advised that EPA intends to schedule a meeting with recipients of the February 2, 1990 letter to discuss the demands presented therein.

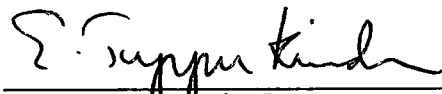
I note that the EPA letter suggests that the City of Portsmouth was an "owner/operator" of the site. This characterization is inaccurate. The City did not at any time own the landfill site. Further, the City did not operate the site within the meaning of CERCLA. The factual history of this matter has been presented to you in the City's response to your § 104(e) request. We would be happy to review that factual history with you at a mutually convenient time. We believe that the facts demonstrate that the City was neither an owner nor an operator of the site.

The City has recently developed information pertinent to your information request "Attachment A" relating to Keefe Environmental Services, Inc. I am in the process of assembling that information for presentation to EPA. Unfortunately, I will be out of my office during the week of February 26, 1990, and therefore will be unable to provide this information to you within thirty (30) days of the date of your letter as requested. However, please be advised that I will be providing this information shortly.

Respectfully submitted,

CITY OF PORTSMOUTH

By Its Attorneys,  
RANSMEIER & SPELLMAN

By:   
E. Tupper Kinder

ETK/jmm

cc: Mr. Calvin Canney  
Robert Sullivan, Esq.

ETK/19(5)